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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,936	11/15/2001	Yueh-Ming Teng	59	5411
7590	11/03/2003			
Thomas E. Hill, Esq. Emrich & Dithmar Suite 3000 300 South Wacker Drive Chicago, IL 60606				
EXAMINER VERSTEEG, STEVEN H				
ART UNIT 1753		PAPER NUMBER		

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/002,936	TENG, YUEH-MING	
	Examiner	Art Unit	
	Steven H VerSteeg	1753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) 7-12 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 13-16 and 18-21 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>01/29/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 1-6, 13-16, and 18-21 in the paper filed August 29, 2003 is acknowledged. The traversal is on the ground(s) that sputtering is necessary to achieve the refractive index and thickness. This is not found persuasive because spraying or even CVD is precise enough to ensure the claimed thickness and refractive index.

The requirement is still deemed proper and is therefore made FINAL.

2. This application contains claims 7-12 drawn to an invention nonelected with traverse in the paper filed August 29, 2003. A complete reply to the Ex Parte Quayle action must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Information Disclosure Statement

3. The foreign references that have been crossed out on the IDS filed January 29, 2002 are not in the English language and no concise explanation of relevance has been provided for those particular references.

Oath/Declaration

4. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration has reviewed and understands the contents of the specification, **including the claims**, as amended by any amendment specifically referred to in the oath or declaration. (Emphasis added)

Drawings

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: **73** (see page 7 at line 13). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Allowable Subject Matter

6. Claims 1-6, 13-16, and 18-21 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: it is neither anticipated nor obvious over the prior art of record to have a process for forming an antistatic/antireflective coating on an outer surface of a video display screen as claimed by Applicant in claim 1 wherein the antistatic and antireflection layers are formed by sputtering and the inner metallic antistatic layer has a light refractive index within a range of 1.8-2.2, and the inner antistatic layer has a light refractive index within a range of 1.3 - 1.47.

8. US 2002/0041343 A1 to Ikui et al. (Ikui) discloses a process of forming a CRT by forming an antistatic film **11** by sputtering [0038] and then forming an antireflective film **12** by sputtering [0039]. The disclosed thickness for the antistatic film is 1-500 nm [0038], and the thickness of the antireflective layer is 10-200 nm [0039]. There is no disclosure of the refractive index of the layers. The example utilizes thicknesses for the layers outside the range claimed by Applicant [0054]. Thus, therefore, Ikui cannot anticipate the layer thickness. Ikui possibly may obviate the claimed thickness if there is some motivation to utilize the specific thickness claimed by Applicant.

9. US 6,478,932 B1 to Chu et al. (Chu) discloses a process of making a CRT (abstract) in which several alternating layers are formed (claim 1). In so doing, each of the layers is formed by sputtering except for the last layer which is formed by a wet process from a TEOS solution (col. 6, l. 29-54). In the disclosure of Chu, there is no one exemplified situation wherein the antistatic layer and antireflective layer have both the thickness and the refractive index claimed by Applicant. Admittedly, claims 1 and 12 suggest the possibility of ranges encompassing that claimed by Applicant, but the ranges are again broader than that claimed by Applicant.

10. Therefore, combining Ikui and Chu would not result in Applicant's claimed invention because there is no motivation to have the antistatic and antireflective layers be of the thickness claimed by Applicant. It would be hindsight to chose the particular values claimed by Applicant from the broader range disclosed by both Chu and Ikui.

11. It is also neither anticipated nor obvious over the prior art of record to have a method for sputter depositing an inner antistatic layer and an outer antireflective layer on the surface of a video display screen as claimed by Applicant in claim 13 comprising providing a first chamber including first and second cathodes respectively comprised of an antistatic material and an antireflective material, providing a second chamber coupled to the first chamber, directing energetic positive ions on the first cathode for sputter depositing the antistatic material on the video display screen, and directing energetic positive ions on the second cathode for sputter depositing the antireflective material on the antistatic material.

12. Chu and Ikui both disclose forming the antistatic and antireflective layers by sputtering, but there is no disclosure of the apparatus to form the layers.

13. US 6,325,901 B1 to Hirayama et al. (Hirayama) discloses an apparatus for forming a CRT by sputtering. Hirayama utilizes two separate chambers (Figure 9), but the two separate chambers are two separate sputtering chambers. Thus, Hirayama does not sputter both the antistatic and the antireflective layers in the same chamber.

14. Modifying Chu or Ikui with Hirayama would not obviate Applicant's claimed invention because the method would involve sputtering the antistatic layer in one chamber and then sputtering the antireflective layer in a second chamber as opposed to sputtering in the same chamber as claimed by Applicant.

General Information

For general status inquiries on applications not having received a first action on the merits, please contact the Technology Center 1700 receptionist at (703) 308-0661.

For inquiries involving Recovery of lost papers & cases, sending out missing papers, resetting shortened statutory periods, or for restarting the shortened statutory period for response, please contact Palestine Jenkins at (703) 308-3521.

For general inquiries such as fees, hours of operation, and employee location, please contact the Technology Center 1700 receptionist at (703) 308-0661.

Special Notice Regarding PTO Relocation to Alexandria, Virginia

During December 2003, the USPTO will begin its relocation to the Carlyle facility in Alexandria, Virginia. I am scheduled to move at some point in December 2003. At that time, my phone number will change. My new phone number will be (571) 272-1348. If you need to speak with me during December 2003, I recommend first calling my old area code 703 phone

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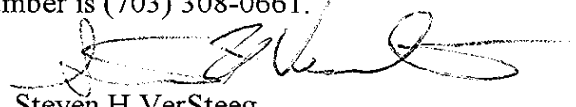
number. If that number has been disconnected, then try the new area code 571 phone number.
Beginning January 2003, please discontinue use of the area code 703 phone number.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven H VerSteeg whose telephone number is (703) 305-4473. The examiner can normally be reached on Mon - Thurs (7:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X Nguyen can be reached on (703) 308-3322. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Steven H VerSteeg
Primary Examiner
Art Unit 1753

shv
October 27, 2003